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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Robert E. Best JR.

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AT&T Legal Department

Attn: Patent Docketing

Room 2A-207

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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT

PAPER NUMBER

2424

MAIL DATE

DELIVERY MODE

12/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/026,835	Applicant(s) BEST ET AL.	
	Examiner MICHAEL VAN HANDEL	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-53, 58-63 and 68-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-53, 58-63 and 68-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/05/2008 has been entered.

Response to Amendment

1. This action is responsive to an Amendment filed 9/05/2008. Claims **48-53, 58-63, 68-73** are pending. Claims **48-51, 58-61, 68-71** are amended. Claims **1-47, 54-57, 64-67, 74-77** are canceled. The examiner hereby withdraws the rejection of claims **48-53, 58-63, 68-73** under 35 USC 112, first paragraph in light of the amendment.

Response to Arguments

1. Applicant's arguments regarding claims **48, 58, and 68**, filed 9/05/2008, have been considered, but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **48-51, 53, 58-61, 63, 68-71, 73** are rejected under 35 U.S.C. 103(a) as being unpatentable over Frengut et al. (of record) in view of Given (of record).

Referring to claims **48, 58, and 68**, Frengut et al. discloses a method/system/computer readable media, comprising:

- transmitting an activation signal from a presence detector (p. 2, paragraph 26);
- in response to the activation signal, receiving an identification signal at the presence detector, the identification signal comprising a user identifier that identifies a user (p. 2, paragraph 26);
- querying for a user profile associated with the user identifier (p. 2, paragraph 26);
- accessing the user profile to determine at least one action to be executed in response to the user identifier (p. 2, paragraph 26 & p. 3, paragraph 27);
- executing the at least one action, the at least one action comprising i) instructing the computer to take no action, ii) instructing the computer to request a home web page (p. 2, paragraph 26), iii) instructing the computer to receive emails (p. 3, paragraphs 28, 29; p. 5, paragraph 40; & p. 6, paragraph 41), and iv) instructing the computer to deactivate a screen saver;
- sending the user identifier to a presence database (p. 2, paragraph 26);
- querying the presence database for other user identifiers associated with the user identifier (p. 4, paragraph 31 & p. 6, paragraph 44); and

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- receiving presence updates identifying presence of the other user identifiers (p. 4, paragraph 31 & p. 6, paragraph 44).

Frengut et al. does not specifically disclose that the identification signal identifies a user associated with a transponder. Given discloses utilizing a radio transmitter and receiver combination, one on the user and one at a terminal, as a proximity sensor. Such a sensor could include a badge (containing a passive transponder) that is passed near a transmitter to detect a user's presence (col. 4, l. 17-35). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Frengut et al. to include a radio transmitter and receiver proximity sensor, such as that taught by Given in order to provide a more efficient means of access. The combination of Frengut et al. and Given does not specifically teach transmitting an activation signal from the presence detector to an interface unit connected in a series connection between a computer and a keyboard and sending a keyboard signal from the interface unit over the series connection to the computer, the keyboard signal comprising the user identifier; however, Given discloses providing the sensor by connecting it to a keyboard interface 200 serially connected to a keyboard and a computer (Fig. 1). In this way, the keyboard interface can act by sending an artificial "keystroke" in the same manner as a keyboard signal (col. 2, l. 14-18). As long as the user stays within close proximity to the computer, the screen saver is deactivated and the user logged in, but if the separation between the transmitter and receiver becomes great enough, the screen saver is activated (col. 2, l. 15-20 & col. 4, l. 22-25). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the computer system of Frengut et al. to include connecting sensors to a keyboard interface connected serially to a keyboard and computer and to receive a user proximity identifier

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in response to a user's proximity, such as that taught by Given in order to allow easy implementation of actions through a commonly used interface.

NOTE: The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claims **49**, **59**, and **69**, the combination of Frengut et al. and Given teaches the method/system/computer readable media according to claims 48, 58, and 68, respectively, further comprising launching an application in response to the user identifier (Frengut et al. p. 2, paragraph 26).

Referring to claims **50**, **60**, and **70**, the combination of Frengut et al. and Given teaches the method/system/computer readable media according to claims 48, 58, and 68, respectively, further comprising launching an application based on a time of day and on the user identifier (Frengut et al. p. 2, paragraph 26; p. 4, paragraph 33; & p. 7, paragraph 48).

Referring to claims **51**, **61**, and **71**, the combination of Frengut et al. and Given teaches the method/system/computer readable media according to claims 48, 58, and 68, respectively, further comprising launching an application that retrieves weather (p. 2, paragraph 26; p. 3, paragraph 29; p. 4, paragraph 31; & p. 5, paragraph 40) and traffic information (p. 6, paragraph 41).

Referring to claims **53**, **63**, and **73**, the combination of Frengut et al. and Given teaches the method/system/computer readable media according to claims 48, 58, and 68, respectively, wherein executing the at least one action comprises requesting information for a webpage (p. 2, paragraph 26).

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3. Claims **52**, **62**, **72** are rejected under 35 U.S.C. 103(a) as being unpatentable over Frengut et al. in view of Given, and further in view of Stas et al. (of record).

Referring to claims **52**, **62**, and **72**, the combination of Frengut et al. and Given teaches the method/system/computer readable media according to claims 48, 58, and 68, respectively. The combination of Frengut et al. and Given does not specifically teach that executing the at least one action comprises denying access to the computer when an aggregate amount of access is exceeded. Stas et al. discloses a system in which a total time limit on the number of viewing hours per day, week, or month can be set (col. 8, l. 18-27). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Frengut et al. and Given to include setting a time limit on the number of viewing hours, such as that taught by Stas et al. in order to allow a parent a comprehensive and user-friendly control for permitted viewing times for a predetermined future time period (Stas et al. col. 1, l. 65-67 & col. 2, l. 1-2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art Unit
2424

MVH